

Remarks/Arguments

Claims 1-53 are pending in the application. Claims 1-25 are withdrawn. Claims 26-53 are rejected.

All claims are rejected as anticipated or obvious in view of Geddes. Geddes has an earliest possible effective filing date of June 21, 2000. Applicant's earliest effective filing date is August 23, 2000, shortly after Geddes. However, Applicant had reduced-to-practice before June 21, 2000 at least the subject matter of all independent claims. As indicated in the attached Declaration, the inventions were implemented by eBoodle.com (predecessor to the present assignee) in its "eBoodle Bar" system at least as early as November, 1999. The system was the subject of news articles and releases. Google stated that eBoodle.com was the:

"first company of its kind to combine a product and store search feature, price comparison engine, cash-back program, automatic form filler, and transaction management into a comprehensive solution.... Working together eBoodle.com and Google are providing online shoppers the most innovative and effective approach for easily accessing information".

(Decl. Ex. 3, p.1.)

In another case Forbes.com recognized the invention as "an emerging technology".

The Declaration details the claim elements and limitations that were reduced to practice and it provides corroboration in the nature of the attached exhibits, which include not only third party news articles and releases, but also invention disclosure materials and product specifications and coding relating to specific claim elements and limitations.

Accordingly, Applicant submits herewith a Rule 131 Declaration and accompanying exhibits to antedate the Geddes cited reference. The Declaration has so far been executed by

inventor Anil Kamath. The declaration has also been sent to all other inventors for execution. Applicant will submit the Declarations as executed by the other inventors as soon as they are received or will make a showing under MPEP §715.04 if the signature of other inventors cannot be obtained. Applicant therefore submits that the Examiner is in a position to allow all claims subject to submission in due course of the remaining inventors' declarations or a showing of non-signature.

In view of Applicant's ability to antedate Geddes, Applicant has not attempted to characterize or recharacterize the claimed subject matter or to challenge or in any other way traverse the rejections of the Action. Applicant, however, reserves the right to do so at a later time, e.g. in the event that this case does not proceed to issue with the currently pending claims, or in the context of a continuing application. Therefore, nothing herein should be deemed as a disclaimer of any rights, acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein or otherwise in the prosecution of this application.

Also enclosed is an Information Disclosure Statement to be made of record for this matter: the fee due is authorized on the accompanying Credit Card Payment form (PTO-2038).

CONCLUSION

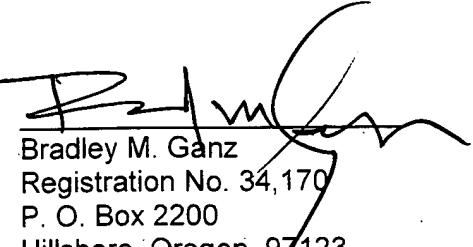
Applicant submits that in view of the foregoing remarks, the application is in condition for allowance, and favorable action is respectfully requested.

The Commissioner is hereby authorized to charge any fees, including extension fees, or to charge any additional fees or underpayments, or to credit any overpayments, to the Credit Card account referenced on the accompanying Credit Card Payment form (PTO-2038). As an

alternative, in case the Credit Card cannot be processed, the Commissioner is hereby authorized to charge any fees, additional fees, or underpayments, or to credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

Date: July 10, 2006


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